

***Effective 1/1/2017***

**65A-8-211 Closed fire season -- Notice -- Violations -- Burning permits -- Personal liability -- Exemptions from burning permits.**

- (1)
  - (a) The period from June 1 to October 31 of each year is a closed fire season throughout the state.
  - (b) The state forester may advance or extend the closed season wherever and whenever that action is necessary.
  - (c) The alteration of the closed season is done by posting the appropriate proclamation in the courthouse of each county seat for at least seven days in advance of the date the change is effective.
- (2) During the closed season it is a class B misdemeanor to set on fire, or cause to be set on fire, any flammable material on any forest, brush, range, grass, grain, stubble, or hay land without:
  - (a) first securing a written permit from the state forester or a designated deputy; and
  - (b) complying fully with the terms and conditions prescribed by the permit.
- (3) The county fire warden, or the county sheriff in a county that has not entered into a cooperative agreement as described in Section 65A-8-203, shall issue burning permits using the form prescribed by the division.
- (4)
  - (a) The burning permit does not relieve an individual from personal liability due to neglect or incompetence.
  - (b) A fire escaping control of the permittee that necessitates fire control action or does injury to the property of another is prima facie evidence that the fire was not safe.
- (5) The state forester, the state forester's designees, and the county sheriffs may refuse, revoke, postpone, or cancel permits when they find it necessary in the interest of public safety.
- (6)
  - (a) A burning permit is not required for the burning of fence lines on cultivated lands, canals, or irrigation ditches if:
    - (i) the burning does not pose a threat to forest, range, or watershed lands;
    - (ii) due care is used in the control of the burning; and
    - (iii) the individual notifies the nearest fire department of the approximate time the burning will occur.
  - (b) Failure to notify the nearest fire department of the burning as required by this section is a class B misdemeanor.
- (7) A burning conducted in accordance with Subsection (6) is not a reckless burning under Section 76-6-104 unless the fire escapes control and requires fire control action.

Amended by Chapter 174, 2016 General Session